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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STORMANS, INCORPORATED doing
business as RALPH'S THRIFTWAY;
RHONDA MESLER, MARGO THELEN,

Plaintiffs,

v.

MARY SELECKY, SECRETARY OF THE
WASHINGTON STATE DEPARTMENT
OF HEALTH, et al,

Defendants.

Case No. C07-5374RBL

ORDER

The following matters are currently before the Court:

1. Defendant's motion to extend the discovery cut-off to December 15, 2008 [Dkt. #202];
2. Plaintiffs' motion to strike expert testimony of Dr. Daniel Baker [Dkt. #207];
3. Plaintiffs' motion to increase the number of depositions [Dkt. #247];
4. Plaintiffs' motion to compel production of documents [Dkt. #206]; and
5. Related to plaintiffs' motion to compel is a motion to file Amici brief [Dkt. #227].

The Court has reviewed the materials submitted for and against said motions and oral argument
would not assist the Court in resolving any of the above-referenced motions.

The Court being fully advised in the premises hereby:

1. **GRANTS** defendants' motion to extend the discovery cut-off to December 15, 2008
[Dkt. #202].

2. **DENIES** plaintiffs' motion to strike expert testimony of Dr. Daniel Baker [Dkt. #207]. The expert report for Dr. Baker will be produced no later than November 14, 2008. Plaintiffs will then have until December 5, 2008 to designate a rebuttal expert and provide the appropriate disclosures required by Fed. R. Civ. P. 26(a)(2)(B). If more time is required for plaintiffs to comply with the disclosure requirements for a rebuttal witness a request for additional time can be submitted to the Court.

3. **GRANTS** plaintiffs' motion to increase the number of fact witness depositions to 20, excluding custodial records depositions [Dkt. #247].

4. **GRANTS IN PART** and **DENIES IN PART** plaintiffs' motion to compel production of documents [Dkt. #206]. The Court grants the motion to compel as to Document Request #'s 1, 2, 3, 8, 9, and 10. The motion is denied as to all other requests. NARAL's Motion to Quash and for Protective Order is **DENIED** [Dkt. #229]. Nothing in this Order shall be construed to require or permit the production of confidential patient information, under HIPPA or any other applicable law.

5. **GRANTS** the motion to file Amici brief [Dkt. #227].

Each party will bear its own costs incurred in connection with these motions.

IT IS SO ORDERED.

Dated this 28th day of October, 2008.

Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE